

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BASIL SEGGOS, as Commissioner of the New York
State Department of Environmental Conservation
and Trustee of New York State's Natural Resources,
and the STATE OF NEW YORK,

Plaintiffs,

-against-

**VERIFIED ANSWER
TO CROSS CLAIM OF
DEFENDANT TOUCHSTONE
HOMES LLC**

CIV NO. 2:17-CV-2684

THOMAS DATRE, JR.; CHRISTOPHER GRABE; 5
BROTHERS FARMING CORP.; DAYTREE AT
CORTLAND SQUARE INC.; IEV TRUCKING CORP.;
COD SERVICES CORP.; ALL ISLAND MASONRY &
CONCRETE, INC.; BUILDING DEV CORP.; DIMYON
DEVELOPMENT CORP.; NEW EMPIRE BUILDER
CORP.; CIPRIANO EXCAVATION INC.;
TOUCHSTONE HOMES LLC; SAMS RENT AND
CONSTRUCTION; SAM'S RENT, INC.; NEW YORK
MAJOR CONSTRUCTION INC.; EAST COAST
DRILLING NY INC.; TRITON CONSTRUCTION
COMPANY, LLC; SUKRAM AND SONS LTD.; M & Y
DEVELOPERS INC.; "JOHN DOE"; ATRIA
BUILDERS, LLC; WOORI CONSTRUCTION INC.;
PLUS K CONSTRUCTION INC.; NY FINEST
ENTERPRISES INC.; MONACO CONSTRUCTION
CORP.; ALEF CONSTRUCTION INC.; 158
FRANKLIN AVE. LLC; LUCIANO'S
CONSTRUCTION, INC.; ILE CONSTRUCTION
GROUP, INC.; EAST END MATERIALS, INC.;
SPARROW CONSTRUCTION CORP.; CIANO
CONCRETE CORP.; FREEDOM CITY
CONTRACTING CORP.; and TOTAL STRUCTURE
SERVICES INC.,

Defendants.

S I R (S):


The defendant, NEW EMPIRE BUILDER CORP., as and for its answer to the cross claim of defendant, TOUCHSTONE HOMES LLC, upon information and belief states as follows:

1. Defendant denies each and every allegation contained in the cross claim of defendant TOUCHSTONE HOMES LLC contained in paragraph 257 of their Verified Answer dated July 19, 2017.

WHEREFORE, defendant, NEW EMPIRE BUILDER CORP., demands judgment against co-defendant on dismissing the cross claim and herein as against the defendant, together with the costs and disbursements of this action.

Dated: Bohemia, New York
August 8, 2017

Yours, etc.,
DESENA & SWEENEY, LLP



PAUL J. FELICIONE, ESQ. (PF-7795)
Attorneys for Defendant
NEW EMPIRE BUILDER CORP.
1500 Lakeland Avenue
Bohemia, New York 11716
631-360-7333

STATE OF NEW YORK, COUNTY SUFFOLK

The undersigned, an attorney admitted to practice in the Courts of New York State, shows: affirmant is PAUL J. FELICIONE, a partner in the law firm of **DeSENA & SWEENEY, LLP.**, attorney of record for NEW EMPIRE BUILDER CORP., in the within action; affirmant has read the foregoing **VERIFIED ANSWER TO CROSS CLAIM** and knows the contents thereof; the same is true to affirmant's own knowledge, except as to the matters therein stated to be alleged on information and belief and that as to those matters affirmant believes it to be true. This verification is made by affirmant and not by NEW EMPIRE BUILDER CORP., in that he is not within the County where undersigned has his office.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are as follows: investigations made relative to the subject matter, information and records, in his file.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: Bohemia, New York
August 8, 2017

A handwritten signature in black ink, appearing to read 'Paul J. Felicione', written over a horizontal line.

PAUL J. FELICIONE, ESQ. (PF-7795)

Case No. 2:17-CV-2684

Year 2017

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

BASIL SEGGOS, as Commissioner of the New York State Department of Environmental conservation and Trustee of New York State's Natural Resources, and the STATE OF NEW YORK,

Plaintiffs,

-against-

THOMAS DATRE, JR.; CHRISTOPHER GRABE; 5 BROTHERS FARMING CORP.; DAYTREE AT CORTLAND SQUARE INC.; IEV TRUCKING CORP.; COD SERVICES CORP.; ALL ISLAND MASONRY & CONCRETE, INC.; BUILDING DEV CORP.; DIMYON DEVELOPMENT CORP.; NEW EMPIRE BUILDER CORP.; CIPRIANO EXCAVATION INC.; TOUCHSTONE HOMES LLC; SAMS RENT AND CONSTRUCTION; SAM'S RENT, INC.; NEW YORK MAJOR CONSTRUCTION INC.; EAST COAST DRILLING NY INC.; TRITON CONSTRUCTION COMPANY, LLC; SUKRAM AND SONS LTD.; M & Y DEVELOPERS INC.; "JOHN DOE"; ATRIA BUILDERS, LLC; WOORI CONSTRUCTION INC.; PLUS K CONSTRUCTION INC.; NY FINEST ENTERPRISES INC.; MONACO CONSTRUCTION CORP.; ALEF CONSTRUCTION INC.; 158 FRANKLIN AVE. LLC; LUCIANO'S CONSTRUCTION, INC.; ILE CONSTRUCTION GROUP, INC.; EAST END MATERIALS, INC.; SPARROW CONSTRUCTION CORP.; CIANO CONCRETE CORP.; FREEDOM CITY CONTRACTING CORP.; AND TOTAL STRUCTURE SERVICES INC.,

Defendants.

VERIFIED ANSWER TO CROSS CLAIM

DESENA & SWEENEY, LLP
Attorneys at Law
Attorneys for NEW EMPIRE BUILDER CORP.
1500 Lakeland Avenue
Bohemia, New York 11716
(631) 360-7333

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
the within named Court on

, 20

duly entered in the office of the clerk of

☐ NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for settlement to the Honorable
, one of the judges of the within named court at on , 20 at M.

Yours etc.,

DESENA & SWEENEY, LLP
Attorneys for
NEW EMPIRE BUILDER CORP.
1500 Lakeland Avenue
Bohemia, NY 11716
(631) 360-7333